[Shri Rajesh Pilot]

Lastly, Sir, I must say that this is the first time that we have a record tonnage at the ports. We have touched 124.9 million tonnes which is four per cent more than that of the previous year and our capacity is more. But the cargo did not go and the ships did not go. But, today, there is no waiting ships at the ports. Normally, frankly speaking, demurrage is one of our earnings and the ports used to earn because of demurranges. So, we have seen to it, with our efficiency and strict monitoring, that there is no ship which waits at a port. So, the waiting time has been reduced to zero in the case of most of the ships especially at Calcutta, Bombay, and the other three or four major ports where they used to wait for six or seven days. This is also one of the efforts of the Department and also of the workers and we have been able to do it. Achieving a tonnage of 124.9 million tonnes is also a good effort and it is roughly four per cent more than the previous year and we will continue to put in more efforts to improve the system.

With these words, Sir, I thank everyone.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The question is:

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 to 10 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI RAJESH PILOT: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE FACTORIES (AMENDMENT) BILL, 1987

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): Sir, I beg to move:

"That the Bill further to amend the Factories Act, 1948, as passed by the Lok Sabha, be taken into consideration"

Sir, the Factories Act, 1948, provides for safety, health and welfare aspects of the workers employed in factories. The Act was last reviewed and amended in 1976.

As hon. Members are aware, since the last amendment of the Act in 1976, there has been considerable change in the industrial and technological situation in the country on account of setting up of several chemical industries dealing with hazardous and toxic substances and introduction of new technologies. These developments have necessitated a review of the existing provisions in the Factories Act, 1948.

Government received a number of suggestions from the State Governments, who enforce the provisions of the Act, Central Ministries/Departments which are concerned with Departmental and Public Sector undertakings, Central Workers' and Employers' Organisations, trade unionists and others. These suggestions were examined particularly in the context of the December 1984 gas leak disaster at Bhopal and other recent industrial accidents elsewhere.

It is now proposed to amend the Factories Act, 1948, to provide, among other things, (one) for safeguards to be adopted during use and handling of hazardous substances by the occupiers of factories; (two) laying down of emergency standards and measures; (three) procedures for sitting of hazardous industries and (four) workers participation in safety management.

With the amendments proposed in the Bill there would be greater check on dangerous substances, major hazards and pollution of working and general environ-

ments. The building up of the concept of product safety and measures for fixing responsibility on manufacturers, suppliers and importers besides the occupiers and owners of factories would promote safe working operations. The policy on siting of hazardous industries would check adverse effects of industrial pollution as well as reduce the potential risk to the general public. Proper monitoring of threshold limit values through adoption of techniques on industrial hygiene will make working environment healthier. Workers' participation in safety management will promote measures for greater involvement of workers in safety processes. Measures taken by State Governments and Union Territory Administration for strenthening factory inspectorates and streamlining procedures would result in better enforcement of the safety laws and in turn minimise occupational accidents and diseases. Stringent and deterrent punishments for violation of the provisions of the Act will have a salutory effect on the management of hazardous industries and will compel them to be more safety-conscious. I am sure that these provisions will definitely help in improving the safety, health and welfare aspects of the workers.

With these words, I commend that the Factories (Amendment) Bill, as passed by the Lok Sabha, be taken up for consideration and passed.

The question was proposed.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Mr. Dipen Ghosh.

SHRI DIPEN GHOSH (West Benagl): Mr. Vice-Chairman, Sir, the Bill which has just now been placed for consideration by this House has nothing to be opposed but it needs to be improved upon. Sir, as you are aware, it is the life of the worker that is at stake, because there is violation of safety rules. According to the ILO estimates, even now one lakh workers die of industrial accidents in the world. In India, in 1984, the number of injuries inflicted on the workers as a result of industrial accidents numbered more than 3 lakhs. In 1985, the Minister might be inclined to draw some solace because there has been a decrease according to official statistics. But still it is in the periphery of three lakhs. The number of fatal cases is around 1000 in both the years.

We have had several safety conferences, seminars, committees, rules, laws; etc. But our experience tells that despite all these conferences, seminars, committees, etc., the decisions taken by such bodies were not implemented or were hardly implemented. Take the case of collieries. There is a Standing Committee on safety in coal mines. This Standing Committee meets periodically and ritually it takes certain decisions. But never have those decisions been implemented. Nor has there been any attempt on the part of the Government to review as to why those decisions were not implemented and who was at fault. No attempt has been made on tht part of the Government to taken the erring management to task.

Sir, you are aware of the greatest tragedy in our country which this century had witnessed, i.e., the Bhopal tragedy. What has happened to the victims? What has happened to the erring multinational, the Union Carbide? I do not know whether the Labour Minister or the Law Minister who has entered just now to introduce the Parsi Marriage and Divorce (Amendment) Bill, 1986, will be in a position to say as to what has been the fate of the Bhopal tragedy victims. Where do we stand now as regards the Union Carbide the management of which was palpably responsible for causing this disaster to people in our country? The Bhopal tragedy itself proves how incompetent our Government is to ensure the safety to the people of our country, to the workers of our country. Sir, the hon. Minister, while commending this Amending Bill for the consideration of this House, has stated that this Bill, as passed by the Lok Sabha, *inter alia* contains certain punishment and measures to be adopted for ensuring safety and also for guaranteeing action against the erring management of the factories or the industry. But, Sir, you will surely agree with me and I hope our Minister will also appreciate even if he does not agree that mrely by laws you cannot tackel

(Shri Dipen Ghosh)

the situation you cannot tackle this problem. Yoou are required to go deep into the cause of this pridblem. Why today the safety of workers working in the mines or the industries is being endangered? The quest for profit and more profit by the capaitlists, by the industrialists leads to the violation of the safety rules, leads to non-adopton of safty measures. Even in the case of the Bhopal tragedy we have seen that this US multinational which was required to undertake certain minimum safety measures did not undertake or did not arrange for such measures . This US multinational having a factory in their own country, in the United States of America, had to undertake certain costly safety measures in their own country. So, in order to reduce the cost structure, this multinational had set up factories here without making arrangements for minimum safety measures so that they could earn more profit. So, Sir, by making laws alone, without changing the laws of the capitalist economy, the safety of the workers cannot be ensured. However, as I had stated earlier so long as we cannot change the system, through this parliamentary system but through some other methods, through soome extra-parliamentary methods, and so long as we will have to take recourse to whatever parliamentary methods we have in our hands, I should propose certain amendments to this Amending Bill. Some of our colleagues have already tabled certain amendments and I hope the hon. Minister will consider them because the safety measures which the hon. Minister has proposed in the Amending Bill are for the workers. So, when the proposed safety measures are meant for the workers, the participation of the workers in the whole machinery of ensuring safety has to be ensured. There is no provision here for . . .

SHRI P. A. SANGMA: There is. You please read the Bill

SHRI DIPEN GHOSH:.....elected representatives. What have you got here? You have got the nomination of the workers by the Management, the Management which does not ensure or follow the safety measures. So, if you leave the question of nominating the workers' representatives on the Safety Council or the Safety Committee or whatever you call it to the Management, then the Management will always try to pick up those people who will subscribe to the Management's views or Management's activities. So, there should be a provision for elected representatives of the workers to serve on those Committees. And, as you know, there are a lot of inspectors, and as you know, as the system is now the work of inspectors is obviated through various other methods applying other methods, so if you can make the workers associate themselves with the process of inspection also, then alone you can create a foolproof system because it is the life of workers which is at stake. If workers' participation, workers' involvement is made, if workers are involved in the whole process, workers will take care of themselves. They will see whether inspectors inspect or not. They will see whether safety measures are being followed or not. That is why you have brought this amending Bill. But you have not taken care of that fact. Worker's participation means real participation by workers through elected representatives of workers at every level, even at the level of inspectors doing the job. So, I would request the Minister because now everybody is talking about left orientation or workers' orientation, even our Prime Minister is talking about having a left oriented President of our country, Rashtrapati, that at least the safety committee in a factory be really labour oriented, be a really left oriented with an eye on the interest of workers. And so I would expect that the Labour Minister will be the labour leader, and not a bonded labourer of the Central Government as he is now. Thank you.

SHRI NIRMAL CHATTERJEE (West Bengal): Sir, because right now

there is no Minister for implementing these things, may I know who will look after all these things?

SHRI CHIMANBHAI MEHTA (Gujarat): Mr. Vice-Chairman, Sir, I welcome this Bill because it is in the right direction and as the Minister has explained while prefacing this bill here...

SHRI NIRMAL CHATTERJEE: Sir, I am on a point of order. I forgot to raise it earlier. The Ministry of Public Sector organisations have arranged a show. Unless we adjourn in time, how do we go there?

THE VICE-CHAIRMAN (DR. BAPU KALDATE): We have that in view.

SHRI NIRMAL CHATTERJEE: Why don't you adjourn right now?

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : He will take a few minutes. (*Interruptions*) Then we will adjourn.

SHRI CHIMANBHAI MEHTA: Sir, the hon. Minister Sangmaji has observed that there are very many industrial and technical problems in the industrial structure and in response to the demands of the labour movement, he has come with this amending Bill. The hon. Minister has brought several Bills before here with regard to Labour and every Bill has marked some advance in the direction of the improvement of labour, labour security, social security or helping build a strong and healthy labour movement

Now, I come to the main point. The thrust of this legislation is on labour participation. It was rightly observed by my friend, Shri Dipen Ghosh, that in the past several accidents occurred, why did they occur, and why we could not prevent them, and why they are going on increasing? This is an important and pertinent question. About labour safety, safeguards, there were some provisions in the 1948 Act. Some more provisions came in 1976 amendment but even then things moved not in favour of workers.

In implementing safety measures, Inspectors of the factories, or the bureaucracy have also to be blamed. I know about one case of Shantinath Mills in Gujarat where 98 workers died because of collapse of the building. The Municipal authorities had warned the occupier of the building 20 years before that this building was obsolete and was not safe for running a factory employing so many workers; but the Factories Inspector who came every year, certified about the fitness of the building and then one day the building collapsed and 98 workers died on the spot; many more were injured. There are several examples. Bhopal tragedy is known; I would not elaborate on that.

In the year 1980 the number of dead or permanently disabled persons was 657 and partially injured was 3,15,875. In 1981, the figure was: 687 dead or permanently disabled and number of partially injured was 3,32,885. In the year 1982, the figure increased to 757 of dead and permanently disabled, and 3,45,868 partially disabled. In the year 1983, the figure of dead and permanently disabled went up to 864 and partially disabled was 3,48,319, and now my friend, Mr. Dipen Ghosh, has also given the figures of 1984 and 1985 where the number of dead is more than one thousand and number of injured persons is also more than three lakh. All the figures are not recorded. But this is also a very staggering figure, and it is increasing every year. This has not decreased, because the Factories Inspector, the bureaucracy, as I said, is in collusion with the management.

I know, for instance, an Inspector getting Rs. 1500 or Rs. 2000 or Rs. 2500 or even Rs. 3000 as salary can be manipulated by the mills owners, the multi-mills owners, and sometimes even higher-up people also can be manipulated. It is not difficult in the system to manage these things at that level, at the level of people who are supervising all these things. Therefore, during emergency, what was en-

rined in the Constitution, the principle of labour participation, has been worked out in this Act and it is a great step forward. I do not call it just a small step, because the most important aspect is the safety of the worker, and the Labour Minister has taken full care in response to the demand of the labour movement, in response to the demand of the workers and what was enshrined in the Constitution during emergency to see that labour participation is a must. Labour participation should be in all the fields.

6 P.M.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Mr. Chimanbhai mehta, you can continue tomorrow. Now, there is a message.

MESSAGE FROM THE LOK SABHA

The Governors (Emoluments Allowances and Privileges) Amendment Bill, 1987

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Governors (Emoluments, Allowances and Privileges) Amendment Bill, 1987, as passed by Lok Sabha at its sitting held on the 5th May, 1987."

Sir, I lay a copy of the Bill on the Table of the House.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The House is now adjourned and we will meet again at 11 A.M. tomorrow.

The House then adjourned at one minute past six of the clock till eleven of the clock on Wednesday, the 9th May, 1987.